

REMARKS

Reconsideration of the application is requested.

Claims 11, 13, 15, 16, 18, 19, 21-29 and 30-38 are now in the application.

Claims 11, 13, 15, 16, 18, 19, 21-29 and 30-38 are subject to examination.

Claims 11, 13, 15, 18, 19, 21-26, 31, and 34 have been amended. Claims 36-38 have been added. Claims 12, 20, and 30 have been canceled to facilitate prosecution of the instant application.

Under the heading "Claim Rejections – 35 USC § 102" on page 2 of the above-identified Office Action, claims 11,13,15,16, and 30 have been rejected as being fully anticipated by U.S. Patent No. 6,483,652 B2 to Nakamura under 35 U.S.C. § 102. Applicants respectfully traverse.

Applicants note that claims 11,13,15,16 and 30 have been rejected under 35 U.S.C. § 102, however, the Examiner has supported the rejection by alleging that certain features would have been obvious. This is improper in a rejection under 35 U.S.C. § 102. It should be clear that the rejected claims are not anticipated by the teaching in Nakamura, and the rejection should be withdrawn.

Nevertheless, the Examiner has indicated that claim 20 would be allowable if rewritten in independent form including all of the limitations of the base claim. The limitations of claims 12 and 20 have been placed into claim 11.

Claims 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 have been amended to be consistent with the changes to claim 11 and in some cases to correct the dependency from canceled claims.

Under the heading "Claim Rejections – 35 USC § 103" on page 4 of the above-identified Office Action, claims 28 and 29 have been rejected as being obvious over U.S. Patent No. 6,483,652 to Nakamura in view of U.S. Patent No. 5,353,070 to Mitani et al. and further in view of U.S. Patent No. 6,822,041 to Schottland et al. under 35 U.S.C. § 103.

The invention as defined by claims 28 and 29 is not obvious for the reasons given above with regard to claim 11 and the teaching in Nakamura.

Under the heading "Claim Rejections – 35 USC § 103" on page 5 of the above-identified Office Action, claims 12, 18, 19, and 25 have been rejected as being obvious over U.S. Patent No. 6,483,652 to Nakamura and further in view of U.S. Patent No. 6,819,508 to Chaing under 35 U.S.C. § 103(a).

The invention as defined by claims 12, 18, 19, and 25 is not obvious for the reasons given above with regard to claim 11 and the teaching in Nakamura.

Under the heading "Claim Rejections – 35 USC § 103" on page 6 of the above-identified Office Action, claim 31 has been rejected as being anticipated over U.S. Patent No. 6,911,648 to Wu et al. under 35 U.S.C. § 102(b).

Claim 31 has been amended to specify that the plurality of mutually aligned lenses are for projecting the electromagnetic radiation onto said semiconductor element. Support for the change can be found by referring to Fig. 2, for example, which shows the lenses aligned to project radiation onto the semiconductor element 12.

In contrast, Wu et al. teaches a lens 40 for projecting radiation onto detector 54, a lens 44 for projecting radiation onto detector 56, and a lens 42 for projecting radiation away from light source 48 (see column 3, lines 44-65 and Fig. 4). Each of the lenses 40, 44, 42 taught by Wu et al. is aligned with its own detector or source. The lenses 40, 44, 42 are not aligned for projecting electromagnetic radiation onto a common semiconductor element.

The invention as defined by claim 31 is not anticipated by Wu et al.

Applicants note that claim 32 has not been rejected or indicated as being allowable.

Under the heading "Claim Rejections – 35 USC § 103" on page 6 of the above-identified Office Action, claim 34 has been rejected as being anticipated over U.S. Patent No. 6,559,439 to Tsuchida et al. under 35 U.S.C. § 102(b).

Claim 34 has been amended to even better define the invention. Support for the changes can be found by referring to Fig. 2, which shows a plurality of separate lenses 16, 18, and 20, for example.

Claim 34 now specifies that only one lens of the plurality of lenses is in direct contact with said lens holder, and that the plurality of lenses include at least two separate lenses. In other words, there are at least two separate lenses, but only one lens directly contacts the lens holder.

Tsuchida et al. specifically teach that if additional lenses are used, there will be additional lens positioning faces (column 2, lines 9-15). Therefore, Tsuchida et al. specifically teach that if multiple separate lenses are used, all of the separate lenses would contact the lens holder. The invention as defined by claim 34 is not anticipated by Tsuchida et al.

Applicant notes that if a doublet were used in the embodiments shown in Figs. 6 and 12, the doublet would not be two separate lenses.

Applicant additionally notes that the lens in Figs. 6 and 12 is not shown as a doublet. Only the embodiment in Fig. 27 of Tsuchida et al. actually shows a

lens constructed as a doublet (also see column 22, lines 36-37), and in that embodiment both lenses of the doublet contact the lens holder. Column 2, lines 8-9 do teach that a lens could be a doublet, however, it is assumed that the lens, which is referred to there, is the lens shown in Fig. 27. Perhaps the Examiner might argue that there is a "suggestion" to use a doublet in the embodiment shown in Figs 6 and 12, but applicant notes that the claim has been rejected under 35 USC 102 and not under 35 USC 103.

Additionally, if one were to replace the single lens shown in Fig. 6 with a doublet, it is unknown whether or not both portions of the doublet would contact the lens holder. Further, even if one were to replace the single lens shown in Fig. 6 with a doublet, and even if only one lens portion of the doublet contacted the lens holder, there still would not be at least two separate lenses in which only one lens contacts the lens holder. The same arguments apply to the embodiment shown in Fig. 12.

The invention as defined by claim 34 is not anticipated by nor could it be obvious over the teaching in Tsuchida et al.

Claims 36 and 37 have been added to even further distinguish the invention from the prior art. Support for claim 36 can be found by referring to original claim 7. Tsuchida et al. do not teach a lens formed with a relatively hard component and a relatively soft component for forming a watertight and dustproof seal, and do not teach that the soft component forms a seal in an

area of said plurality of lenses. Support for claim 37 can be found by referring to original claim 5. Tsuchida et al. do not teach a plurality of lenses and a diaphragm in direct contact with one another, wherein the positions of the plurality of lenses and the diaphragm relative to one another are defined by the geometry of the plurality of lenses and/or of the diaphragm.

Under the heading "Allowable Subject Matter" on page 7 of the above-identified Office Action, claims 20-24, 26, 27, 33, and 35 have been objected to as being dependent upon a rejected base claim, but "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Applicants appreciate the indication of allowability. As discussed above, the limitations of claims 20 and 12 have been placed into claim 11.

The Examiner indicated that claim 35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claim 38 includes all of the limitations of claims 35 and 34.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 11, 31, 34, or 38. Claims 11, 31, 34, and 38 are, therefore, believed to be

patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 11, 31, or 34.

In view of the foregoing, reconsideration and allowance of claims 11, 13, 15, 16, 18, 19, 21-29 and 30-38 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

The application now includes 4 independent claims and 23 total claims. The fee for presenting three claims over 20 was previously paid. The fee in the amount of \$220.00 for presenting one independent claim in excess of three has been enclosed.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$130.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Steiner LLP, No. 12-1099.

Appl. No. 10/573,540
Reply to Office Action of July 1, 2008
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Respectfully submitted,

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MPW:cgm

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